

Remarks:

Applicant appreciatively acknowledges the Examiner's confirmation of receipt of Applicant's claim for priority and certified priority document under 35 U.S.C. § 119(a)-(d).

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 17 - 36 are presently pending in the application. Claims 17 and 33 have been amended. Claims 1 - 16 were previously canceled. New claims 34 - 36 have been added.

In item 2 of the above-identified Office Action, claims 17 - 21 and 24 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 6,492,623 to Vilato et al ("**VILATO**").

In item 4 of the Office Action, claims 22, 23 and 25 - 33 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **VILATO** in view of U. S. Patent No. 5,844,206 to Steiner et al ("**STEINER**") or U. S. Patent No. 4,453,533 to Scheidler et al ("**SCHEIDLER**").

Applicant respectfully traverses the above rejections.

More particularly, claim 17 recites, among other limitations:

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said operating strip including a supporting surface on a lower side thereof for supporting the household appliance on the worktop at a first side of the household appliance;

a circumferential edge around the remaining sides of the household appliance, said circumferential edge for supporting the remaining sides of the household appliance on the worktop. [emphasis added by Applicants]

As such, Applicant's household appliance of claim 17 includes an operating strip including a supporting surface for supporting the household appliance on the worktop at a first side, and a circumferential edge on the remaining sides (i.e., and not on the first side) for supporting the remaining sides of the household appliance on the worktop. The amendments to claim 17 are supported by the specification of the instant application, for example, paragraph [0021] of the instant application, which states, in part:

The cooking surface is inserted in a section of a worktop 5 and is supported on an upper side of the worktop 5. At its front side facing an operator, the cooking surface is supported on the worktop 5 by means of a control strip 7. On its other sides the cooking surface is supported on the worktop 5 by means of a circumferential edge of the glass ceramic plate 1.

See also, for example, Fig. 3 of the instant application showing the control strip 7 being affixed to the appliance 25 on a side of the appliance 25 not including the circumferential edge of the cooktop 1. Fig. 3 of the instant application is being reproduced herebelow, for convenience

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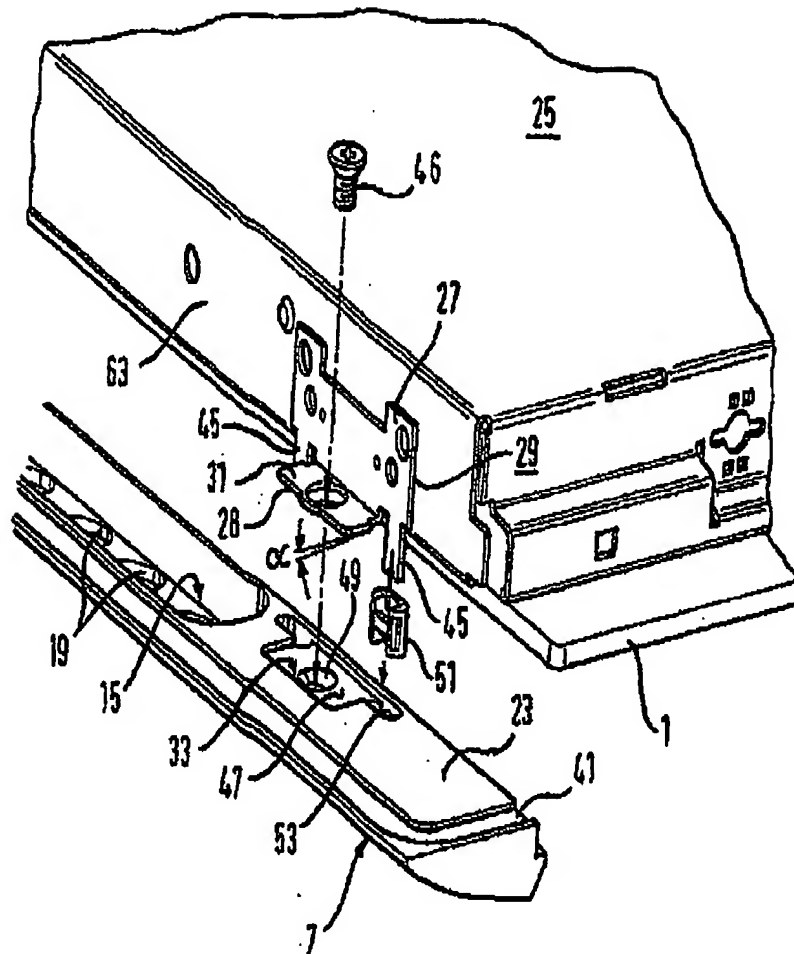


FIG. 3

In contrast to Applicant's invention of claim 17, the **VILATO** reference (cited against Applicant's former claim 17 in the Office Action) discloses a frame 6 of **VILATO** that supports the cooking top 1 of **VILATO** in the worksurface 2 of **VILATO**. See, for example, col. 5 of **VILATO**, lines 6 - 13, stating:

A frame 6 made of a plastic, especially one filled with glass fibres, possibly like the plastics

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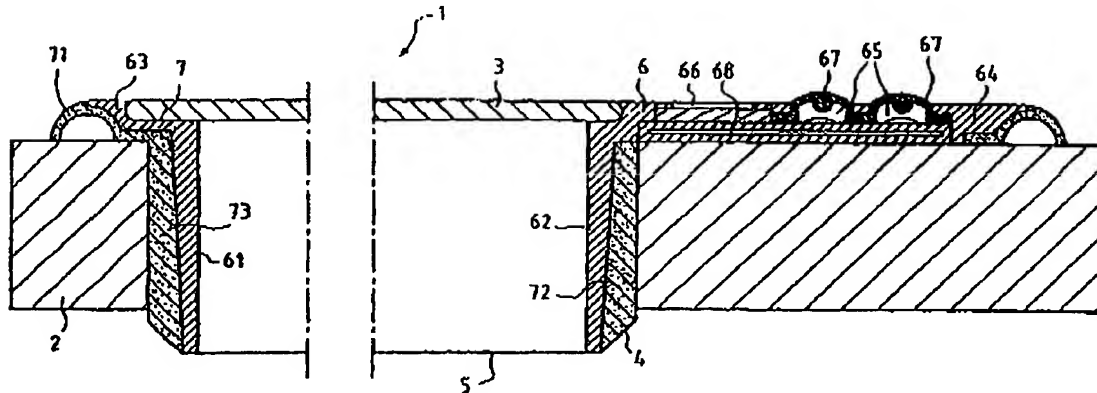
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mentioned below, **constitutes the support for the prefabricated assembly** according to the invention.
[emphasis added by Applicants]

The frame 6 of **VILATO** is completely surrounded by a lip, by which it is supported on the worksurface 2 of **VILATO**. See, for example, col. 5 of **VILATO**, lines 17 - 23, which state:

Extending around the entire periphery of the frame 6 is a silicone profile 7. This has the shape of a lip 71 for the part directly in contact with the upper part of the worksurface. This lip 71 has the function of ensuring a very clearly defined interface between the frame 6 and the upper part of the worksurface, that is to say, inter alia, to ensure sealing with respect to liquids and with respect to food likely to be nearby. [emphasis added by Applicants]

See also, for example, Fig. 1 of **VILATO**, reproduced herebelow.



Similarly, the glass ceramic plate or hob 3 of the cooking top 1 of **VILATO** also includes a circumferential edge completely surrounding the cooking top 1 of VILATO, to support the cooking top 1 of **VILATO** in the frame 6 of **VILATO**. See, for

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example, Fig. 1 of **VILATO**, as well as col. 5 of **VILATO**, lines 10 - 14, which state:

This frame 6 essentially comprises three parts, namely the vertical side walls 61, 62, **the outer peripheral part 63 which surrounds the glass-ceramic hob 3, being directly in contact with it**, and a plane part 64 which extends approximately in the main plane of the glass-ceramic hob 3. [emphasis added by Applicants]

Thus, in **VILATO**, the cooking top 1 of **VILATO** is completely surrounded by a circumferential edge (See Fig. 1 of **VILATO**) by which it is held in the frame 6 of **VILATO**. The frame 6 of **VILATO** further includes an edge around its entire periphery, by which the frame 6 of **VILATO** contacts the worksurface 2 of **VILATO**. Thus, it can be seen that the cooking top 1 of **VILATO** is not supported on the worksurface 2 of **VILATO** by the plane part 64 of **VILATO**. Rather, the frame 6 of **VILATO** intervenes. Because, the cooking top 1 of **VILATO** never contacts the worksurface 2 of **VILATO**, **or the plane part 64 of VILATO**, the plane part 64 of **VILATO** cannot be "supporting the household appliance on the worktop", as required by Applicant's claims.

As such, **VILATO** does not teach or suggest, among other limitations of Applicant's claim 17, **an operating strip including a supporting surface for supporting the household appliance on the worktop at a first side, and a circumferential edge on the remaining sides (i.e., and not on the first side)** for supporting the remaining sides of the

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household appliance on the worktop. Rather, as discussed above, in **VILATO** the cooking top 1 of **VILATO** is supported in the frame 6 of **VILATO** by a circumferential edge of the cooking top 1 contacting the outer peripheral part 63 of the frame 6 of **VILATO**, as discussed in col. 5 of **VILATO**, lines 10 - 14 ("This frame 6 essentially comprises . . . the outer peripheral part 63 which surrounds the glass-ceramic hob 3, being directly in contact with it, . . . "). Thus, the cooking top 1 of **VILATO** is supported on the working surface 2 of **VILATO**, on all sides, by a circumferential edge of the cooking top 1 of **VILATO**, and not by an operating strip on one side and a circumferential edge on the remaining sides, as required by Applicant's claim 17.

Even if, arguendo, the frame 6 of **VILATO** were considered to be part of the cooking top 1 of **VILATO** (with which assumption Applicant respectfully disagrees), the frame 6 of **VILATO** is **supported** on the work surface 2 of **VILATO** by a circumferential edge entirely around the frame 6, as shown in Fig. 1 of **VILATO** and as discussed above, and not by the plane part 64 of **VILATO** on one side and a circumferential edge on the remaining sides, as required by Applicant's claim 17.

For the foregoing reasons, among others, Applicant's claim 17 is believed to be patentable over the **VILATO** reference. The

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STEINER and **SCHEIDLER** reference, cited in the Office Action in combination with **VILATO** against certain of Applicant's dependent claims, does not cure the above-discussed deficiencies of the **VILATO** reference.

Additionally, Applicant's new claim 34 recites, among other limitations:

a formed or milled operating strip containing at least one operating element and having a supporting surface on a lower side thereof for supporting the household appliance on the worktop;

said operating strip including at least one recess for an appliance component and at least one mounting recess; and

said housing-side fixing flange of said housing portion abutting said operating strip.

As stated above in connection with claim 17, the cooking top 1 of **VILATO** is not supported on the work surface 2 of **VILATO** by the plane part 64 of **VILATO**. Further, as acknowledged on page 3 of the Office Action, **VILATO** does not teach or suggest, among other limitations of Applicant's claims, a household appliance including an operating strip with a mounting recess, which operating strip abuts a housing-side fixing flange. Rather, page 3 of the Office Action points to the **STEINER** and **SCHIEDLER** references as allegedly disclosing a housing-side flange to support a household appliance. However, none of the cited references teach or suggest, among other limitations of

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Applicant's claims, an operating strip containing at least one operating element, and recesses for an appliance component and a mounting recess, as required by Applicant's claim 34.

More particularly, the members used to attach the cooktop to the worktop in the **STEINER** and **SCHIEDLER** references does not include at least one operating element or a recess for an appliance component, as required by Applicant's claim 34. Additionally, as discussed above, the **VILATO** reference does not teach or suggest, among other limitations of Applicant's claims, that the plane part 64 of **VILATO** (assumed by Applicant to be the part of **VILATO** alleged in the Office Action to correspond to Applicant's claimed operating strip) is used to support the cooking top 1 of **VILATO** on the worksurface 2 of **VILATO**, as required by Applicant's claims. As such, the combination of the **VILATO**, **STEINER** and **SCHIEDLER** references does not teach or suggest, among other limitations of Applicant's claims, an operating strip for supporting a household appliance on a worktop, the operating strip containing at least one operating element, and recesses for an appliance component and a mounting recess and abutting a housing-side fixing flange.

At best, a person of ordinary skill in this art, reading the **VILATO**, **STEINER** and **SCHIEDLER** references, would be taught to

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replace the frame 6 of **VILATO** with one of the frames disclosed in **STEINER** or **SCHIEDLER**. However, this teachings would still not teach, suggest or motivate a person of ordinary skill in this art to use the plane part 64 of **VILATO**, to support a household appliance on a worktop, as claimed by Applicant. The use of an operating strip containing an operating element to support the appliance on the worktop is not taught or suggested by any of the cited references.

Similarly, Applicant's new claim 36 requires, among other limitations,

a formed or milled operating strip containing at least one operating element and having a supporting surface on a lower side thereof for supporting the household appliance on the worktop;

said operating strip including at least one recess for an appliance component, said at least one recess together with said supporting surface being constructed on an underside of said operating strip; and

said at least one recess being substantially surrounded by said supporting surface of said operating strip.

However, for the reasons discussed above, in connection with claim 36, among other reasons, it can be seen that the combination of the **VILATO**, **STEINER** and **SCHIEDLER** references does not teach or suggest, among other limitations of Applicant's claims, an operating strip for supporting a household appliance on a worktop, the operating strip

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containing at least one operating element, and a recess for an appliance component. Consequently, the combination of **VILATO**, **STEINER** and **SCHIEDLER** also fails to teach or suggest, among other limitations of Applicant's claims, an operating strip for supporting a household appliance on a worktop, the operating strip containing at least one operating element, a recess for an appliance component, and a supporting surface, wherein the recess and supporting surface are constructed on an underside of the operating strip; with the recess substantially surrounded by the supporting surface, as required by Applicant's new claim 36.

For the foregoing reasons, among others, Applicant's claims are believed to be patentable over the **VILATO**, **STEINER** and **SCHIEDLER** references, whether taken alone, or in combination. It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 17, 34 and 36. Claims 17, 34 and 36 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 17 or 34.

In view of the foregoing, reconsideration and allowance of claims 17 - 36 are solicited.

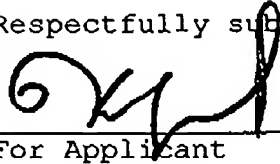
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In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



For Applicant

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